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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT HADEN KING, JR.,

Plaintiff,

v.

JOE E. CAPPS, et al.,

Defendants.

Case No. 08-CV-6195-TC

Declaration of Charles M.  
Simmons In Support of Plaintiff's  
Second Motion for Extension of  
Time to Respond to Defendants'  
Motion to Dismiss

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STATE OF OREGON            )  
                                      ) ss.  
County of Malheur         )

I, Charles M. Simmons, hereby declare and affirm that I have read this Declaration and that the facts contained therein are true to the best of my knowledge and belief, formed after reasonable inquiry:

1. I am the attorney of record for the Plaintiff Robert Haden King, Jr.
2. Defendants' Motion to Dismiss was filed on October 24, 2008, and the current deadline to respond is November 10, 2008. I have obtained one 7-day extension from the original November 3, 2008 deadline.

3. I need additional time to research, draft, edit, and finalize a response to Defendants' Motion to Dismiss. I have been out of the office attending court appearances in other part of the state for the past five days, and have therefore been unable to complete the response to Defendants' Motion to Dismiss by the November 10, 2008 deadline.

4. Accordingly, I respectfully request that the time to respond to Defendants' Motion to Dismiss be enlarged for a period of 7 days from November 10, 2008 to November 17, 2008.

5. I conferred with counsel for Defendants and she does not oppose this Motion.

Dated this 10<sup>th</sup> day of November, 2008.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

/s/ Charles M. Simmons  
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